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10 **Attorneys for Ae Ja Elliot Park**

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE**
13 **NORTHERN MARIANA ISLANDS**

14 AE JA ELLIOT PARK,) CIVIL ACTION NO. 07-0021
15)
16 Plaintiff,)
17 vs.) DECLARATION IN SUPPORT
18) OF MOTION FOR ENTRY OF
19 JARROD MANGLONA, MICHAEL) DEFAULT AGAINST DEFENDANT
20 LANGDON, ANTHONY MACARANAS,) NORBERT DUENAS BABAUTA
21 DEPARTMENT OF PUBLIC SAFETY and)
22 JUAN DOES 1-4, NORBERT DUENAS)
23 BABAUTA,)
24 Defendants.)

25 I, DAVID G. BANES, as counsel for Plaintiff in the above entitled matter, do hereby
26 affirm and certify as follows:

27 1. I am the attorney for the Plaintiff in the above-entitled case.

28 2. Upon my best knowledge and belief, Defendant Norbert Duenas Babauta is
believed to have permanently left the Commonwealth.

1 3. Plaintiff attempted service upon Defendant Babauta. However, Plaintiff's
2 process server learned from Defendant Babauta's brother that said Defendant moved to Guam.
3 *See* Return of Service of Rainaldo Agulto, Exhibit "A" to the Declaration in Support of Ex
4 Parte Motion for Publication previously filed with the Court.
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6 4. Plaintiff attempted service upon Defendant Babauta on Guam. However,
7 Plaintiff's process server on Guam was unable to locate said Defendant.
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9 5. On August 6, 2007, long arm service was made to the Office of the Attorney
10 General on August 6, 2007, as shown in the Proof of Service previously filed with the Court.
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12 6. Publication of the Amended Summons was made at the Marianas Variety on
13 August 3, 2007, August 10, 2007, August 17, 2007 and August 24, 2007, as shown in the Proof
14 of Publication previously filed with the Court.
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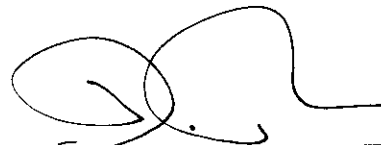
17 7. The 21 day period to respond or file an answer was on September 14, 2007.
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20 8. Defendant Babauta has failed to plead, appear, defend or otherwise answer
21 the First Amended Complaint within the time period set forth above.
22

23 9. The period within which to respond or file an answer has expired.
24

25 10. Counsel in good faith believes that Plaintiff is in law and equity entitled to have
26 an entry of default entered against Defendant Babauta, pursuant to Rule 55 (a) of the Federal
27 Rules of Civil Procedure.
28

1 I declare under penalty of perjury that the foregoing is true and correct and that this
2 declaration was executed on September 25, 2007 at Saipan, Commonwealth of the Northern
3 Mariana Islands.

A handwritten signature in black ink, appearing to be 'David G. Banes', written over a horizontal line.

David G. Banes

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